



Waymaker LLP
515 S. Flower Street, Suite 3500
Los Angeles, California 90071
T 424.652.7800

March 26, 2024

Brian E. Klein
Direct (424) 652-7814
bklein@waymakerlaw.com

Via Mail and Electronic Mail

U.S. Department of Justice
Acting Assistant Attorney General
Nicole M. Argentieri
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
e-mail: criminal.division@usdoj.gov

Re: United States v. Avraham Eisenberg
23 Cr. 10 (AS)

Dear Counsel:

We represent defendant Avraham Eisenberg in *United States v. Avraham Eisenberg*, Case No. 23-cr-010 (AS), which is a criminal prosecution brought by the United States Attorney's Office for the Southern District of New York ("USAO-SDNY") and pending in the United States District Court for the Southern District of New York. The Indictment charges Mr. Eisenberg with commodities fraud and manipulation under the Commodities Exchange Act ("CEA") and wire fraud. Trial is currently scheduled to commence on April 8, 2024.

Pursuant to 28 C.F.R. § 16.23, we make a formal demand for the Federal Bureau of Investigation ("FBI") to furnish FBI Special Agent Brandon Racz to testify. Our understanding is that Special Agent Racz is the primary case agent in this matter.

Please find enclosed a copy of the subpoena directed to Special Agent Racz. Pursuant to 28 C.F.R. § 16.23(c), to the extent Mr. Eisenberg presents a defense case, we may seek to elicit testimony from Special Agent Racz about the following topics:

- Special Agent Racz's duties and responsibilities as the primary case agent in this matter.
- Investigatory steps Special Agent Racz took in this matter.

We are available to discuss any questions that you may have regarding the above demand for testimony and the scope and nature of the anticipated testimony. We reserve all rights to supplement or modify these topics based upon trial preparation, the government's disclosure of proposed exhibits, as well as evidence presented in the government's case-in-chief.

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U.S. Department of Justice

March 26, 2024

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Sincerely,

A handwritten signature in black ink, appearing to read 'B. E. Klein'.

Brian E. Klein
Ashley E. Martabano
Riley P. Smith
WAYMAKER LLP

-and-

Sanford N. Talkin
Noam Greenspan
Talkin, Muccigrosso & Roberts, LLP

Attorneys for Avraham Eisenberg

Enclosure: Subpoena